

REMARKS/ARGUMENTS

Claims 1-19 are pending. Claims 1, 6, 13 and 14 have been amended. The specification has also been amended. Figure 1 has also been amended and a replacement sheet is enclosed herewith. No new claims have been added. No new matter has been introduced as a result of these amendments to the claims, specification and Figure. Support for the amendments to the claims may at least be found at page 4 through page 5 of the specification, and in the specification, claims and figures as originally filed.

The Examiner objected to the drawings under 37 C.F.R. §1.83(a).

The Examiner rejected claims 15-18 under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement.

The Examiner rejected claims 1, 13 and 14 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

The Examiner rejected claims 35 U.S.C. §103(a) as being unpatentable over Charles (U.S. Patent No. 6,449,103) in view of Pugliese et al. (U.S. Publication No. 20010044751).

Objections to the Drawings under 37 C.F.R. §1.83(a)

The Examiner objected to the drawings under 37 C.F.R. §1.83(a).

In framing the objection, the Examiner stated the following:

"The drawings must show every feature of the invention specified in the claims. Therefore the following features must be shown or the feature(s) cancelled from the claim(s). No new matter should be entered.

Claims 1, 13 and 14 recite 'a mobile platform'.

Claims 15, 16 and 17 recited 'issuing control commands to said at least one visual device from said at least one electronic device'.

Claim 18 recite 'wherein said receiving of said visual data is limited by a community affiliation'.

(Office Action, dated 4/26/05, pages 2-3)

Applicants have amended FIG. 1 to include examples, for purposes of illustration and not to be taken in a limiting sense, of both a stationary structure 23 and a moveable platform 25 as originally found in the specification. A replacement sheet for FIG. 1 with the amendments made therein is enclosed herewith.

Applicants respectfully disagree with the Examiner's position that the phrase 'issuing control commands to said at least one visual device from said at least one electronic device' recited in claims 15, 16 and 17 is not shown in FIG. 1. As illustrated in FIG. 1, the electronic devices 14, 16, 18 communicates with the portal 12, portal 12 communicates with the server 22, and server 22 via the

wireless LAN 20 communicates with the mobile device 26 as shown by the arrows. The communication between these elements include, but is not limited to, 'issuing control commands' as described in Applicant's specification at least at the second paragraph of page 4 and the first and second paragraphs of page 7. The use of arrows in this manner is common and accepted practice recognized by one of ordinary skill in the art as well as the United States Patent Office. For purposes of illustrating the latter point, Applicants would like to bring the Examiner's attention to Figures 2 through 4 of U.S. Patent Application Publication No. 2001/0044751 to Pugliese et al. Pugliese et al. employs arrows to indicate communication amongst the various elements illustrated such as the 'Shoplive Internet 202', 'Shoplive Mall 204' and 'Session Gateway Framework 206'. As a result, the feature 'issuing control commands to said at least one visual device from said at least one electronic device' of claims 15, 16 and 17 is shown in FIG. 1.

Applicants also respectfully disagree with the Examiner's position that the element 'wherein said receiving of said visual data is limited by community affiliation' of claim 18 is not shown. The element 'community affiliation' is described in Applicants' specification at least at the second paragraph of page 6. When reading Applicants claims in light of Applicants specification, the recitation 'wherein said receiving of said visual data is limited by community affiliation' is recognizable and shown in FIG. 1. As a result, the feature 'wherein said receiving of said visual data is limited by

community affiliation' of claim 18 is shown. For these reasons, FIG. 1 should be found to comply with requirements of 37 C.F.R. §1.83(a).

In light of the following remarks, Applicants respectfully request the objections to the drawings under 37 C.F.R. §1.83(a) be withdrawn and the drawings found allowable.

Rejections under 35 U.S.C. §112, first paragraph

The Examiner rejected claims 15-18 under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. The claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In framing the rejection, the Examiner indicated that claims 15, 16 and 17 recite 'issuing control commands to said at least visual device from said at least one electronic device', and claim 18 recites 'wherein said receiving of said visual data is limited by community affiliation'. In addition, the Examiner also stated the following:

"The Examiner notes that specification was not enabling with respect to the said claims at issue, noting further that there was no considerable direction and guidance in the specification; that there was no evidence present by the Applicant of a high level of skill in the art at the time the

application was filed; and also no evidence presented that all of the methods needed to practice the invention were well known."

(Office Action, dated 4/26/05, page 4)

Applicants respectfully disagree with the Examiner's characterization that the phrase 'issuing control commands to said at least one visual device from said at least one electronic device' of claims 15-17 is not enabling and not supported by the Applicant's specification. The communication between the 'visual device' and 'electronic device' includes, but is not limited to, the element 'issuing control commands to said at least one visual device from said at least one electronic device' as described in Applicant's specification at least at the second paragraph of page 4 and the first and second paragraphs of page 7. Furthermore, Applicants specification describes at least these devices' ability to communicate with one another, as well as communication amongst all of the devices contemplated therein, at least at paragraph 2 of page 4 through the second paragraph of page 7. For these reasons, claims 15-17 comply with the enablement requirement under 35 U.S.C. §112, first paragraph.

Applicants also respectfully disagree with the Examiner's characterization that the phrase 'wherein said receiving of said visual data is limited by a community affiliation' of claim 18 is not enabling and not supported by the Applicant's specification. The element 'community affiliation' is described in Applicants' specification at least at the second paragraph of page 6. For these

reasons, claim 18 complies with the enablement requirement under 35 U.S.C. §112, first paragraph.

In light of the foregoing remarks, Applicants respectfully request the Examiner withdraw the rejection against claims 15-18 under 35 U.S.C. §112, first paragraph, and find the subject matter of claims 15-18 allowable.

Rejections under 35 U.S.C. §112, second paragraph

The Examiner rejected claims 1, 13 and 14 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Applicants have amended claims 1 and 14 to replace the element 'mobile platform' with the element 'mobile device'. Applicants have also amended claim 13 to replace the element 'mobile platform' with the element 'movable platform'. Support for these amendments can at least be found at first paragraph of page 4 through the second paragraph of page 5 and paragraphs 1 and 2 of page 7. When reading amended claims 1, 13 and 14 in light of Applicants specification, the claim language is understandable and is neither confusing nor subject to misinterpretation. For these reasons, amended claims 1, 13 and 14 are definite under 35 U.S.C. §112, second paragraph.

In light of the foregoing remarks, Applicants

respectfully request the Examiner withdraw the rejection against claims 1, 13 and 14 under 35 U.S.C. §112, second paragraph, and find the subject matter of claims 1, 13 and 14 allowable.

Rejections under 35 U.S.C. §103

The Examiner rejected claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over Charles (U.S. Patent No. 6,449,103) in view of Pugliese et al. (U.S. Publication No. 20010044751).

Applicants claims 2-13 and 19 are dependent upon amended independent claim 1 and claims 15-18 are dependent upon amended independent claim 14.

The Charles reference is directed to an omnidirectional wide angle optical system, which is associated with a sensor, camera, projector, medical instrument, surveillance system, flight control system, robotic command and control or sensing system, home entertainment system, conference area, virtual reality suite, theater, or similar article (See Abstract).

In framing this rejection, the Examiner relies upon Figure 180; col. 15, ll. 45-65; and, col. 58, ll. 15-35 of Charles to teach 'a portal' as recited in Applicants amended claims 1 and 14. Upon reviewing the Examiner's citation at col. 58, ll. 15-35, Charles discloses the following:

"FIG. 173 is a cross-sectional interior view of a row of rooms in a multiple level multiple portal virtual

reality projection suite having means to mask projection into doorways or temporary portals."

Upon reviewing the Examiner's citation at col. 60 where FIG. 180 is described, Charles discloses the following:

"FIG. 180 is a perspective view illustrating an embodiment of the invention which is interfaced with to elements of FIGS. 177, 178, or 179 and having a projection surface to provide a virtual reality display of the appropriate size to surrounds participants in a home or theater setting."

After reading the disclosure of Charles relied upon by the Examiner, Charles does not teach Applicants claim element "a portal" as recited in amended claims 1 and 14. The portal described, taught and suggested by Charles is a doorway in a room or a theater.

Pugliese et al. describes an invention relating to information processing methods for marketing and selling goods and services using the Internet or other interactive network to support live shopping and selling experiences (paragraph [0002]). The invention allows online shoppers to set the criteria for their ShopLive shopping session, find ShopLive enabled brick and mortar stores that meet their criteria and obtain live audio and video assistance (paragraph [0008]).

In explaining the motivation to combine the Charles and Pugliese references, the Examiner states the following:

"Charles and Pugliese are analogous art because they present concepts and practices regarding electronic distribution, processing, and viewing of visual data

via a remote visual device. The Examiner respectfully suggests that at the time of the invention it would have been obvious to combine the teachings of Pugliese regarding website portals that host interactive video communications into the method and apparatus of Charles. ... The suggested motivation for doing so would have been, as Pugliese suggests, so that users at the remote site may be able to hold interactive sessions with and obtain input from knowledge experts at other remote sites."

(Office Action, dated 4/26/05, pages 11-12)

Applicants respectfully disagree with the Examiner's characterization of the motivation to combine the Charles and Pugliese references. Applicants assert the position that both Charles and Pugliese lack the requisite motivation to combine with each other to teach all of the elements of Applicants amended claims 1 and 14.

First, Charles does not teach, suggest or motivate one of ordinary skill in the art to use the omnidirectional wide angle optical system described therein with respect to online shopping. One of ordinary skill in the art upon reading the Charles reference would not suddenly seek out the Pugliese et al. reference because Charles did not provide any teaching, suggestion or motivation with respect to online shopping.

Secondly, and in the alternative, Pugliese et al. does

not teach, suggest or motivate one of ordinary skill in the art to seek out the optical system taught by Charles. Pugliese et al. does not provide any teaching, suggestion or motivation to utilize a hand held or portable visual device as contemplated in Charles. In fact, Pugliese et al. teaches the opposite, that is, the visual devices of Pugliese are part of a video management system integrated within a typical store location as illustrated in FIGS. 27 and 28 and described in paragraphs [0380] through paragraphs [0384]. Pugliese et al. teaches, suggests and motivates one of ordinary skill in the art to utilize stationary, mounted visual devices. Moreover, upon reading the disclosure of Pugliese et al., one of ordinary skill in the art would not in turn seek out the Charles reference because Charles does not provide any teaching, suggestion or motivation to use its optical system for online shopping.

Applicants contend the motivation to combine Charles and Pugliese is found upon reading Applicants' disclosure and claims and not from either Charles or Pugliese.

For these reasons, amended independent claims 1 and 14 are not obvious in light of the combination of Charles in view of Pugliese et al. under 35 U.S.C. §103(a). Since claims 2-13 and 19 ultimately depend from claim 1, and claims 15-18 ultimately depend from claim 14, claims 2-13 and 15-19 are also not obvious in light of the combination of Charles in view of Pugliese et al. under 35 U.S.C. §103(a).

In light of the foregoing remarks, Applicants respectfully request the Examiner withdraw the rejection against claims 1-19 under 35 U.S.C. §103(a) and find the subject matter of claims 1-19 allowable.

CONCLUSION

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any additional fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on July 27, 2005.


Ross J. Christie